Telephone notes:

Conversation with Gene Peck (SHB London) on Friday 16th Sept.

Following a request to obtain a legal opinion on the likely regulatory impact of a study such as the current IARC study Gene had contacted the Paris law firm Sales, Vincent and Georges and talked to Olivier Debouzy. Debouzy was reluctant to mount an official inquiry into this, mainly for financial concerns but was willing to give his professional opinion on the case over the telephone. He also felt that even given an expensive, full-blown investigation, they were unlikely to come up with different or firmer conclusions than he could give over the telephone - both would only ever mount to informed speculation! At least in the first instance, therefore, this 'informal' advice is accepted as satisfactory.

Debouzys' opinion was that in Europe a scientific study would not necessarily command attention on its own. Even a full blown risk assessment would not have as immediate, or automatic response here in Europe as they have done in the U.S.

His knowledge of the current IARC study lead him to believe that a likely forum for the first release of preliminary data would be at the 9th World Conference on Tobacco and Health, which will take place in Paris in October of 1994. The likely immediate impact of this will be via lobby groups, calling for enhancement of the anti-tobacco measures such as warning labels, generic packaging and above all taxation.

As far as workplace smoking restriction and regulation were concerned, he felt that there would be no effect until a real publication came out. Following that he estimated that it would take some 12 to 18 months before it would have passed through the requisite committees and start to be cited in workplace legislation.

A further potential impact of such a study could lead to a strengthening of product liability suits particularly referring to ETS cases (relating to a clause stating responsibility for the product in all its phases).

In summary, regarding regulatory implications the IARC study is unlikely to be viewed as definitive. It will, nevertheless, be viewed as extremely important, particularly with the WHO seal of approval, and its 'European' aspects. Its impact will largely be a major contributor to building pressure against ETS.

Commenting on the possibility of the Tobacco Industry actively contributing towards, and being involved in a risk assessment of ETS, Debouzys', (and Gene Pecks') opinion was that it is unadvisable. If, for any reason, the industry did not feel that the assessment gave fair viewing to its arguments, and did not agree with the final assessment, it would be extremely difficult to argue after the event.

RDE 17. September 1993

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One final caveat regarding community regulatory procedures - Debouzy noted that historically the EEC has found great difficulty in harmonising any healthcare issue. The impact of the IARC report is therefore likely to be different in each and every member state.

Gene and Evan are still following up on some further enquiries that we have about the list of forthcoming evaluations and reevaluations in IARC, and also for some information on the experiences from the 1986 Tobacco Smoking Monograph.

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RDE 17. September 1993

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